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SENTENCE OF DEATH FOR CONVICTED MEN

FOX, KIRBY AND GAPPINS TO DIE IN ELECTRIC CHAIR

Kirby Tried Alone, Found Guilty in Thirty-five Minutes, Fox and Gappins Convicted in Forty Minutes

State Staff Correspondent.

Lexington, Sept. 13.—C. O. Fox, S. J. Kirby and Jesse Gappins, convicted murderers of William Brazell, 19 year old Columbia taxi driver, at 5:25 o'clock this afternoon were sentenced by Judge Thomas Sease to die in the electric chair on Friday, October 21, the electrocution to take place between the hours of 10 o'clock in the morning and 2 o'clock in the afternoon. The jury in the Kirby case, the trial of which was begun at 3:30 o'clock yesterday afternoon, reached a verdict of guilty at 10:50 o'clock this morning after deliberating 35 minutes, while Fox and Gappins, who were tried jointly, were convicted at 5:14 o'clock, the jury having been closeted exactly 40 minutes.

The entire trial of the three men begun with the swearing of witnesses for the grand jury at 10:05 o'clock Monday morning, occupied only about ten hours of actual time of the court during the two days. The grand jury returned a true bill against the three men at 11:45 Monday morning and a few minutes later the prisoners, defended by counsel appointed by the court, were arraigned. At 3:30 o'clock Monday afternoon the trial of Kirby was begun, the case going to the jury at 10:24 this morning. Thirty-five minutes later the verdict of guilty had been returned and the trial of Fox and Gappins was begun. At 12:45 o'clock the state rested its case against the two men and at 5:14 o'clock the second jury had agreed that Fox and Gappins were guilty. The three men were arraigned to receive their sentences and at 5:25 o'clock each of the three men had heard his doom solemnly pronounced, and each knew that there was then only a few hours over 37 days of life remaining for him. It was early in the morning of Monday, August 8, exactly 37 days ago, that young Brazell was killed by the three men near Leesville after having been lured into Lexington county on a supposedly bona fide trip to "get some girls."

Returned to Columbia
The three convicted and sentenced men were led from the court house immediately after the trial, being returned via automobile to the state penitentiary where in the death cell they will be held until the date of their electrocution. The prisoners have been held in the state penitentiary ever since first being brought to Columbia, being carried to Lexington each morning for trial. The transfer to and from the penitentiary was under special guard. These special guards, headed by State Detective T. A. Berley, were all heavily armed. The four trips in automobiles and the trial passed, however, without a ripple of mob violence.

No notice of appeal was given by counsel for any of the three prisoners. Mrs. S. J. Kirby, wife of Kirby, this afternoon after the trial, however, conferred with A. D. Martin, appointed by the court as attorney for her husband, announcing that she believed that Kirby was mentally unbalanced, due to an injury to his skull and to protracted illness. Kirby, she told the attorney, now wears a silver plate in his skull. Mrs. Kirby also announced that she would appeal to Gov. R. A. Cooper for a commutation of her husband's sentence on these grounds, should Mr. Martin take no further action in the case.

The three men heard the verdicts of the two juries read with practically no show of emotion, Gappins and Kirby exhibiting a few signs of nervousness when Judge Sease pronounced sentence upon them. Fox, however, literally did not bat an eyelash, standing facing the judge apparently as unconcerned as if he was hearing of some event not even remotely concerned with his case. Of the three Gappins was the most nervous, constantly wiping his face for perspiration that was not always there. He was the last to be sentenced and seemed unable to face the judge, nervously moving his head

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SOLDIER DELEGATES HAD DELIGHTFUL TIME IN NEWBERRY

Incidents and Observations Gathered on Road and in Newberry—Cotton Crop Badly Off

Yorkville Enquirer.

Traveling to Newberry by the Irene bridge across Broad river in Cherokee county; from thence to Union, then to Whitmire and on to the journey's end from Yorkville is a distance of about 90 miles according to calculation of E. Banford Garrison of the Philadelphia section who flattered himself and Henry Brown of Filbert, Baxter B. Robinson of York No. 1 and P. A. Smith and Jas. D. Grist of Yorkville there Tuesday as the representatives of Meech Stewart Post No. 66, American Legion to the annual state convention. It was an awfully hot and dry day and people busy in the cotton fields and at the gins along the way just looked so tired that they might drop any moment.

The crop prospect through western York, Cherokee, Union and Newberry isn't anything like as good as it was this time a year ago according to lots of people living along the way who were asked about it. In fact, cotton has deteriorated greatly in all that territory in the past two weeks. Acreage was reduced considerably to start with; fertilizer has been cut almost fifty per cent throughout that section and the good Lord has done the rest. In Newberry the crop is further advanced than in the other sections traversed. In some sections of that county those lads in the party who are farmers gave it as their opinion that at least one-third of the crop has been gathered. Quite a number of ginners were doing business, long lines of cotton wagons awaiting their turn.

Getting in the vicinity of Newberry the party came upon the 11th United States Infantry from Camp Jackson camped for a day there in order to take in a part of the American Legion convention. There were 1,000 or more officers and soldiers in the camp and 200 mules. That camp looked for all the world like Camp Sevier in the early days before things were well straightened out during the late war. Arriving in Newberry the streets were alive with American Legion men, soldiers and local townsmen come to give them the glad hand. On the streets, around the hotels, at Newberry college, in the drug stores there were reunions of former buddies who hadn't seen one another since the close and the war and others who hadn't seen friends since they were in school together.

Newberry is a city of about 7,000 people. It has three banks, three cotton mills, many fine stores, two fine hotels, a handsome court house; fine school buildings—in fact, it is right much of a town. It is the home of Newberry college, the Lutheran college of South Carolina and it was at the college that many of the delegates were quartered while others were entertained in private homes and hotels.

Three Newberry men to whom perhaps most credit is due for the delightful entertainment of the American Legion convention were Dr. John B. Setzler, commander of Newberry Post No. 24; Duane Livingston, publicity chairman of Newberry post and Hal Kohn, the first commander of the post. Kohn, who is a young chap, runs a stationery and novelty store in Newberry and is one of the live, most hustling youngsters in the state. His store was headquarters for the delegates and whenever they wanted any information or anything else why that was where they got it.

Newberry has a comparatively new court house. It is a cou' house almost as fine as the York county court house. The old court house is a mighty nice building. The old court house was given to the Newberry post of the Legion as its headquarters and it was here that the sign "General Headquarters" hung out during the convention although the meetings were held in the new court house.

It just seemed like everybody tried to outdo everybody else in courtesy and hospitality to the delegates. Among the prominent citizens of Newberry who were everywhere all

the time trying to make it pleasant for the visiting lads were: Dr. S. J. Derrick, president of Newberry college; Dr. George B. Cromer; John M. Kinard, Col. E. H. Aull, editor of the Newberry Herald and News; Messrs. W. H. Wallace and T. M. Seawell of the Newberry Observer; Mayor Eugene S. Blease, Owen Holmes, prominent cotton buyer; Congressman Fred H. Dominick and a host of others.

Governor Robert A. Cooper appeared to thoroughly enjoy the day he spent with the lads in Newberry last Wednesday. In conversation with a reporter from The Yorkville Enquirer the governor stated that his health had been very bad this year and he hadn't been feeling at all well; but that he was much better now. He made a fine address to the Legionnaires following the barbecue at Wilkesboro park Wednesday in which he pleaded for their aid and influence in maintaining law and order in the state and the convention pledged him by a rising vote.

Senator Neils Christensen of Beaufort, one of the best known public men in South Carolina was one of the most interested delegates in attendance upon the convention. It was the first time that the senator had been present; but he stated that he would never miss another. "The American Legion," he said, "is one new organization in this state that is going to grow and flourish and I am proud to be a Legonnaire." The senator said that he expected to come to York county on a visit pretty soon.

The Fifth Congressional district fared quite well in the distribution of officers. In addition to the election of Bamford Garrison of Meech Stewart post of Yorkville as a delegate to Kansas City to the national convention October 28, Lyles Glenn of Chester was elected on executive committee from the state at large and Dr. John Hamilton of Winnsboro succeeds H. L. Elliott of Winnsboro as a member of the state executive committee.

Ben E. Adams of Charleston was disposed to take his defeat as state commander with the best of grace. He lost by eight votes. Adams who was a non commissioned man in the army is a native of Georgia and has been in South Carolina only five years. He is on the editorial staff of the Charleston News and Courier and is president of the Southeastern Poultry Growers' association. "My defeat shall not interfere in the least with my efforts in helping in every way I can to build up the South Carolina Legion," he said.

Aviator Lester E. Shealy of Charlotte who will be remembered by many York county people as being in Yorkville with his plane on July 4, last, drove into Newberry Wednesday evening. He made many flights Thursday, his passengers including one of the Yorkville delegates.

THE LATEST IN CONNECTION WITH MURDEROUS ATTACK

Mr. and Mrs. Johns were improving at last accounts. Joe Smith, another negro arrested in Greenwood, was jailed at Newberry Wednesday night, as a suspect, making three negroes in jail on the same alleged charge.

A white man and a negro were caught by Messrs. Julien White, M. L. Bullock and Marion Fridy Wednesday morning at Parkville, near Plum Branch, and carried to McCormick and turned over to Sheriff White, who took them to the Greenwood jail. The white man was an exserviceman from Noble, Ill., who was dishonorably discharged from the navy for misconduct, while the negro gave his home as in Augusta. The two are probably wanted by the authorities for other crimes. The three Newberry young men left here Monday night and returned Wednesday night, having had but two hours sleep. They had been sent by Sheriff Blease to guard a motor truck at the Savannah river.

If work was only called play, everybody would want to work.

About the only question in modern divorce cases is who shall have custody of the poodle dog.

AGED COUPLE BEATEN BY UNKNOWN NEGROES

Three Negroes in Newberry Jail—One Confesses and Implicates Others Mr. and Mrs. Johns Improving

Greenwood Index-Journal, 13th.

Using railway spikes tied together with strings to clubs, two unknown negroes about dusk last night beat almost to death H. Johns and his wife, an aged couple, proprietors of a store near Vaughnville between Chapells and Cross Hill and are said to have robbed them of between \$2,000 and \$4,000. H. Johns is about 70 years old. After the assault and robbery, the negroes escaped, coming to Greenwood, it is claimed.

A small black negro was captured near New Market shortly before midday by Lamar Dominick of Vaughnville to whom it is alleged that he confessed, declaring that his confederate, a tall yellow negro, had come to Greenwood. The name of the captured negro could not be learned. At two o'clock this afternoon, Mr. Dominick was on his way to Newberry with his prisoner.

The negro when captured had one sleeve bloody and torn. He appeared extremely nervous and claimed he had hurt his arm, causing the blood stains. Officers could find no injuries on his arm.

Sheriff Cannon Blease of Newberry and his deputies about two o'clock this afternoon returned from McCormick, where officers and a large posse have been looking for the negroes since early this morning. The report had reached Sheriff Blease that both to have caught a C. & W. C. freight

After clubbing the aged couple almost to death the negroes fled, and are supposed to have gone to Cross Hill and to have come to Greenwood on the southbound Seaboard train, reaching here at 3:30. Citizens from the Chappells section, with Officers M. A. Corley, J. M. Townsend and D. H. Mann, met the train but failed to arrest them as they got off the train because the citizens who were there to identify them declared they were not the negroes wanted. Two negroes who were suspected by the officers, in spite of statements of the Chappells men that they were not dressed like the negroes who committed the assault and robbery, were accosted by officers. When officers approached the negroes they fled, and are thought to have caught a C. & W. C. freight train. Sheriff E. M. White was notified early this morning that they had been seen getting off a freight train at McCormick and he went at once to the scene.

According to a long distance message from Chappells this morning early yesterday the two negroes who are alleged to have committed the assault, applied for a job on a road gang near there, claiming that they had come from Abbeville. They failed to secure work and are thought to have remained in hiding in the woods until dusk, when the assault upon the aged couple and the robbery of the store was committed. They asked a negro on the road where H. Johns lived, it is stated.

The two negroes are said to have gone into the store and asked H. Johns for some canned goods. When he turned to get it, one of them struck him a blow over the head with the railroad spike club. Hearing the sound of the old man's body falling, his wife rushed in from an adjoining room and was also struck in the head with the spikes. Both the old couple were then beaten almost into insensibility and the store robbed, reports say.

Officers throughout this section have been notified to keep a lookout for the negroes. They are making an effort to locate the tall, yellow negro implicated in the alleged confession of the negro arrested near New Market.

The State.
McCormick, Sept. 13.—Sheriff Cannon Blease of Newberry county and a posse of citizens of Newberry, Greenwood and McCormick counties are scouring McCormick county in search of Will Harris, a negro, wanted for the brutal assault and robbery of Mr. and Mrs. Henry Johns about three miles from Chappells in Newberry county, at 7:30 o'clock last night. Harris is described as being 25 or 30 years of age, five feet nine or ten inches tall, weighing about

160 or 170 pounds, dark ginger cake color, with two protruding upper gold teeth, and when he was last seen was wearing a white shirt with small black stripes and unbuttoned and cap. He bears an old scar on the side of his body, having been shot through the body. He is supposed to be making his way to Georgia, although all of the ferries from McCormick county to Georgia are being guarded. Sheriff Blease states that his accomplice, John Golden, also a negro, has been apprehended and is now in Newberry jail, having confessed to being present and implicated Will Harris.

Another Accidental Killing

On Mrs. Claudia Suber's place a small colored boy shot and killed a young colored girl, the jury finding it accidental. Coroner Lindsay held the inquest, at which the full particulars were given, as follows:

Lillie Mae Coleman, being sworn, says:

I live in Newberry county, S. C. I was standing in the room where the shooting occurred. Son Eddie Maybin brought this pistol here. He went to town and left pistol here. It was on the machine. Jefferson Coleman went and picked the pistol up. The pistol went off and shot Ollie Coleman. She is a first cousin to Jefferson Coleman. Shooting happened on Sunday morning, the 11th, 1921. I do not believe he intended to kill her. This is all I know about it.

Lillie Mae Coleman.

Frances Coleman, sworn, says: I was in the porch when the shooting occurred. Heard Ollie Coleman say that she knew the boy did not intend to shoot her.

Frances Coleman.

Salle Coleman, sworn, says: This boy is my own child. He has never had any trouble with Ollie Coleman, the dead woman. His name is Jefferson Coleman. Jefferson is eight years old. Ollie Coleman is fourteen years old. She came to spend the night with my children. Boyce Maybin, or Son Eddie, left this pistol here on Saturday evening. He was on the way to town. Boyce Maybin lives on Mr. Chris Folk's place. I was the first grown person to her after she was shot. She said, "Aunt Sallie, Jeff Coleman shot me. Whip him." Then she stated not to whip him as "I know he did not intend to do it."

Sallie Coleman.
Dr. W. A. Dunn, being duly sworn, said that Ollie Coleman died from a gunshot (pistol) wound in the neck.

W. A. Dunn, M. D.
Lucy Coleman, sworn, says: I am satisfied that my daughter was shot by Jefferson Coleman, Jr., accidentally, September 11, 1921.

Lucy Coleman.
Son Eddie Coleman, sworn, says: I know this pistol. Don't know whose it is. I gave it to Zeb Coleman. I carried it from the soldier camp to the house. I do not know how many balls it had in it. I didn't tell anybody it was loaded. That is the way I come to town. That road is not out of my way to town. I never had it at that house before. I positively didn't say to any one that this pistol was loaded. I carried this gun on public highway.

Son Eddie Maybin (His Mark).
Witness: H. D. Havird.
Zeb Coleman, being sworn, says: I know this pistol. Son Eddie Maybin had it when I first saw it. He had it in his pocket under his overalls. I asked him was there anything in it. He said there was one ball in it. He gave it to me and said put it up for him till he come back for it. He gave it to me on Saturday, the 10th of September, 1921. He didn't tell me he found it. He didn't say why he wanted to leave it there. The magazine didn't have any balls in it. I had seen Son Eddie Maybin with this pistol before Saturday, September 10th, 1921; it was in the public road.

Zeb Coleman (His Mark).
The verdict of the coroner's jury was: "We find that Ollie Coleman came to her death from a pistol shot wound inflicted by the hand of Jefferson Coleman, Jr., by accident."

Thomas Cromer, Foreman.
Whit Braddock, Fred Wicker, Pope Connelly, H. W. Swindler, Bob Hutchinson.

Bootleggers deny the statement that prohibition is a failure.

ROTARIAN HINNANT TO SPEAK TOO THE BOYS

When Rotarians Henry Wells and Hal Kohn attended the Rotary conference in Norfolk they had the pleasure of hearing Odus Hinnant speak on "A Rotarian's Opportunity with the Boys He Meets." This young man presented the opportunity for boys work in such a convincing manner that both Mr. Wells and Hal Kohn decided to ask the Rotary club of Newberry to invite Mr. Hinnant down here so that our community have the privilege of hearing him.

After some correspondence Mr. Hinnant consented to visit Newberry on September 21, next Wednesday. The Rotary club in order to give the entire community a chance to hear him has asked the churches to unite in a general service on Wednesday evening, which will be held in the Baptist church, at 8 o'clock. There should not be a vacant seat at this service for the message which Mr. Hinnant will bring to Newberry is one which no person interested in boys should miss.

Hal Kohn, secretary of the local Rotary club, has furnished the following information about Mr. Hinnant:

He is a graduate of Richmond university and has a degree from Columbia university. For the past seven years he has been citywide boys' work secretary of the Wilmington Y. M. C. A. In addition to this work he has organized the Boy Scout movement in Wilmington and has been scout commissioner for seven years. He was instrumental in organizing the first juvenile court in the state of North Carolina. For the past two years has been a lecturer in the Southern summer school at Blue Ridge on the "Psychology of Boys' Work." He has conducted the largest summer camp for boys in North Carolina.

Prior to coming to Wilmington he was play ground director in Richmond, Va., and organized in that city the first troop of Boy Scouts in the South. Since coming to Wilmington Mr. Hinnant has so promoted the boys work that now three trained men are giving their entire time to this work.

Hal says that Mr. Hinnant is one of the most convincing speakers he has ever heard and he is very enthusiastic over the coming visit and hopes that the Baptist church will be crowded next Wednesday evening.

COLORADO WOMAN DIED SUDDENLY

Coroner F. M. Lindsay held another inquest in the county, this last one being over the body of Gloria Harris on Wednesday night, the woman having come to a sudden death, struck while picking cotton on the Dr. Patton place in No. 6 township.

Following are the particulars, as brought out at the inquest:

Geo. A. Johnston, sworn, says: This evening about four o'clock myself, Charles Jackson and Gloria Harris were out in the field picking cotton. I was across the ditch from Charles Jackson and Gloria Harris. Charles Jackson called me and said Gloria was sick. When I got to her she was lying on her back. We moved her to a shady bush near her. I left Charles Jackson with her and went to call the wagon to send her home. I told Herman Brehmer about it, and he said he didn't think it would be worth while to get wagon. That's all I know about it. This was on September 14th, 1921, about four o'clock. This place is the Dr. Patton place; belongs to the Brehmer brothers.

George A. Johnston.

Charles Jackson, sworn, says: Gloria Jackson and I had been picking cotton together, and she seemed to be all right. She emptied her cotton sack. . . . I went on picking cotton. I heard her say, "Lord, have mercy." When I looked around I heard her struggling and she was lying on her back. I picked her up, and she was dead. She breathed her last in the open cotton field. Mr. Johnston and I moved her where she is now. This woman died today, Sept. 14, 1921.

Dr. W. D. Senn's certificate: I have examined the body of Gloria Harris, and found no wound on any part of the body; no signs of violence—and am of the opinion that she came to her death probably of heart

WOULD PROSECUTE MEMBERS OF MOB

GREENWOOD JURY CHARGED BY JUDGE FEATHERSTONE

City Officials Said to Know Members of Mob, and Others

Greenwood, Sept. 12.—Declaring that the time is not far distant when no man's life or property is safe unless something is done to stem the tide of lawlessness and mob rule, Judge C. C. Featherstone delivered a powerful charge to the grand jury and a scathing rebuke to mob leaders at the convening of county court this morning. The special charge to the grand jury grew out of failure of the city or county authorities to apprehend members of a mob of about 150 men who took two negro women from the city jail in defiance of the law and whipped them. The negro women were charged with slapping the faces and beating two white women with umbrellas on the streets about two weeks ago, and the mob took them from the jail shortly after their arrest, carried them to a scant farm house, about three miles from town, whipped them severely and then brought them back to jail. Judge Featherstone urged that members of the mob be brought to trial as speedily as possible.

"Granting for the sake of argument that the negroes deserved the punishment the men who took the women from the jail had no right to punish the women, and in so doing so they treated the law with defiance and contempt," Judge Featherstone declared, "and they should be made to pay the penalty for so doing." He urged the grand jury to use all their power to bring the men who composed the mob to trial.

"So far as I am aware, no effort has been made to bring these men to trial," Judge Featherstone continued. "No private citizen has sworn out a warrant, possibly through fear of the wrong doers, but you and I, gentlemen of the jury, are sworn officials of the law and as such we must do our duty as men. It is your bounden duty to investigate the facts in this case. It ought to be an easy matter to get the facts. The city officials know the men or some of the men who took part in the mob. There are others who know the facts. I will see to it that in your investigation you have the full support of the law, and if necessary I shall provide you with the necessary writs to bring before your body any witness to testify.

"If there is any one on the grand jury who is afraid or who believes that in certain cases men have the right to take the law into their own hands and thus openly to defy the law, let me know and I shall excuse him. To follow the law is our only hope of safety. One offense of the character I have been talking about may seem a small thing but the spirit of defiance to law, if left alone, grows stronger and stronger, day by day, and some day we will awake to the fact that no man's rights are safe. It is history that such violations of law always go farther than they intended. A mob begets a mob.

"It is time for every one who lives his home and country to stand up boldly for the enforcement of law. A passive sentiment in favor of law enforcement is not enough. Men must be active in law enforcement, regardless of the consequences. It is time for every citizen to do his duty. I have tried to do mine and may the Almighty help us to acquit ourselves like men."

As long as there's hope there's brew.

About the only rings some married men give their wives are under the eye.

W. D. Senn, M. D.
Sept. 14, 1921.

The verdict of the coroner's jury was that "Gloria Harris came to her death from natural cause, from heart disease."

John Livingston, foreman.
S. W. Melton, P. W. Sanford, H. E. Brehmer, Hugh Chappell, H. L. Stone.